

REMARKS

Claims 1-11, 13-14, 16-45, 47-51, 58-59 and 62-66 were pending. Claims 7 and 62 have been amended. Claims 65-66 are canceled. Claims 67-83 are added. No new matter is added. Applicants respectfully request reconsideration of the rejections.

Support for the language of new claims 67-83 may be found in originally filed claims 16-24, and 48-59.

The Examiner has objected to the title of the invention as not descriptive. Applicants have provided herein a substitute title. Withdrawal of the objection is requested.

Claim 7 has been rejected under 35 U.S.C. 112, second paragraph. The claim has been amended in accordance with the Examiner's suggestions. Withdrawal of the rejection is requested.

Claims 62-64 have been rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Office Action states that the disclosure only teaches operably linking a gene essential for replication to E2F and osteocalcin promoters. Without conceding to the correctness of the rejection, and without prejudice to refiling, Applicants have amended independent Claim 62 to recite an "E2F responsive promoter", which language is in accordance with originally filed Claim 1. Withdrawal of the rejection is requested.

CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number GTIN-004.

Respectfully submitted,

Date: May 24, 2004

By: Pamela J. Sherwood
Pamela J. Sherwood, Ph.D.
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231